

Notice of Allowability

Application No.

10/015,798

Examiner

Otilia Gabor

Applicant(s)

MCLAUGHLIN, WILLIAM E.

Art Unit

2878

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 03/27/2004.
2. ☒ The allowed claim(s) is/are 1-8.
3. ☒ The drawings filed on 27 March 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 03/27/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

R sponse to Amendment

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/28/2004 and 03/27/2004 has been entered.

Terminal Disclaimer

2. The terminal disclaimer filed on 03/27/2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of 6,482,108 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Drawings

3. The drawings were received on 03/27/2004. These drawings are accepted.

EXAMINER'S AMENDMENT

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Art Unit: 2878

Authorization for this examiner's amendment was given in a telephone interview with John Ewbank on 05/18/2004.

The application has been amended as follows:

In claim 1 the term "880-nm" has been changed to --880 nm--.

In claim 2, a period is added at the end of the paragraph to indicate the end of the claim.

In claim 4, a period is added after the symbol "4" and the status of the claim has been changed from [allowed] to [Previously presented]. Also, the term "88 nm" has been changed to --880 nm--, and the period after the term "88 nm" has been removed.

In claim 5, the status of the claim was changed from [allowed] to [Previously presented].

In claim 6, the status of claim has been changed from [allowed] to [Previously presented].

In claim 7, the status of claim has been changed from [allowed] to [Previously presented].

In claim 8, the status of the claim has been changed from [amended] to [currently amended]. Also, the claim language has been changed to read:

A golf ball having a hologramized badge on its surface selectively responsive to a laser beam having an atmospheric-penetrating identifying wavelength selected from the group consisting of 880 nm, 1310 nm, and 1550 nm.

In claim 9, the status of the claim has been changed from [withdrawn] to [cancelled].

Art Unit: 2878

Claim 10 has been cancelled.

These changes are necessary to comply with the correct response to office action requirement, as well as to remove spelling errors and 35 USC 112 rejections to the claims.

Allowable Subject Matter

5. Claims 1-8 are allowed.

6. The following is an examiner's statement of reasons for allowance: The amendment made by the Applicant to include a terminal disclaimer and to include the allowable subject matter into the independent claims render the claims allowable over the prior art cited for the reasons as clearly indicated in the previous Office Action.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Otilia Gabor whose telephone number is 571-272-2435. The examiner can normally be reached on Monday-Friday between 9am-5pm.

Art Unit: 2878

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Porta can be reached on 571-272-2444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

og



CONSTANTINE HANNAHER
PRIMARY EXAMINER
GROUP ART UNIT 2878